IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 494 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJU @ GALIYO KANAJI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 494 of 1997

MR KN PANDYA for Appellant No.

MR HL JANI ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 20/10/2004

ORAL JUDGEMENT

1. This appeal is preferred under sec. 374(2) of the Code of Criminal Procedure, against the judgment and order delivered on 29.3.1997 by the ld. Addl. Sessions

Judge, Kheda, camp at Anand in Sessions Case No. 74/1996, convicting the appellant under sec. 376 of Indian Penal Code and under sec. 342 of Indian Penal Code and sentencing him to undergo R/I for 7 years and fine of Rs. 10,000/-, in default, to undergo R/I of 3 months and also to undergo S/I for three months for the offence under sec. 342 of the Indian Penal Code.

2. This matter is 42 times notified and in this sitting which started from 6.9.2004 practically on each week on running final hearing board, this matter was notified but ld. advocate Mr. KN Pandya for the appellant has not approached the court or conducted the matter. Ld. APP Mr. HL Jani was heard on behalf of State-Opponent. Ld. APP Mr. Jani placed on record the communication addressed to him by the Sub Jailor, Central Jail, Baroda indicating that appellant - Raju @ Galiyo Kanjibhai Vaghari has been released from jail on 21.8.2000 after he has fully undergone the sentence awarded to him and taking into consideration the remission according to law earned by him.

3. In this view of the matter, when sentence is fully served upon the appellant and he has been released from jail long back on completion of punishment on 21.8.2000, this appeal has now become infructuous and is required to be disposed of. The communication dated 14.10.2004 referred to above addressed to ld. APP, is taken on record.

4. In the result, this appeal stands disposed of as having become infructuous.

(J.R. VORA, J.)
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